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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,978	02/14/2001	Samuel D. Harkness IV	146712001400	9538

25227 7590 05/13/2005  
MORRISON & FOERSTER LLP  
1650 TYSONS BOULEVARD  
SUITE 300  
MCLEAN, VA 22102

EXAMINER

FLETCHER III, WILLIAM P

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/781,978

14 February 2001

HARKNESS, IV et al.

146712001400

EXAMINER

William Phillip Fletcher III

ART UNIT

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051610

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Commissioner for Patents

## NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 41.37(c)

This communication is responsive to the Appeal Brief filed 20 August 2003. Appellant is referred to the Rules of Practice Before the Board of Patent Appeals and Interferences, Final Rule, effective 13 September 2004 and published at 69 Fed. Reg. 49959; 1286 OG 21 (07 September 2004).

The brief does not contain the items of the brief required by 37 CFR 41.37(c)(1) under the appropriate headings and/or in the order indicated. The items and appropriate headings, in order, are: (i) Real party in interest, (ii) Related appeals and interferences, (iii) Status of claims, (iv) Status of amendments, (v) Summary of the claimed subject matter, (vi) Grounds of rejection to be reviewed on appeal, (vii) Argument, (viii) Claims appendix, (ix) Evidence appendix, (x) Related proceedings appendix.

The brief does not contain a concise statement of each ground of rejection presented for review as required by 37 CFR 41.37(c)(1)(vi). Appellant has identified an issue arising during the prosecution of the application, but has not given a concise statement of each ground of rejection presented for review (i.e., "Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US 6,033,491 A) in view of Awschalom et al. (US 6,307,241 A).")

The examiner also notes that: (i) the heading **GROUPING OF THE CLAIMS** is extraneous under the new rules (see above); and (ii) The appendix of claims on appeal should properly be labeled **CLAIMS APPENDIX** under the new rules (see above).

Appellant is required to comply with provisions of 37 CFR 41.37(c). To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 41.37(c) within ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of time may be granted under 37 CFR 1.136.

TIMOTHY MEEKS  
SUPERVISORY PATENT EXAMINER

WPF 5/4/2005  
William Phillip Fletcher III  
Patent Examiner, USPTO  
Group Art Unit 1762